

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAMERLANE T BEY II, as a Class Representative, on behalf of himself and all other similarly situated,

Plaintiff, *Pro Se*,
v.

MAZDA MOTOR OF AMERICA, INC. D/B/A MAZDA NORTH AMERICAN OPERATIONS, MAZDA MOTOR CORPORATION, DENSO CORPORATION, and DENSO INTERNATIONAL AMERICA, INC.,

Defendants.

Civil Action No. 1:22-cv-03328-JPO

DEFENDANT MAZDA MOTOR OF AMERICA, INC. D/B/A MAZDA NORTH AMERICAN OPERATIONS' NOTICE OF NON-OPPOSITION TO ITS MOTION TO DISMISS AND TO ELIMINATE CLASS ALLEGATIONS

Pursuant to the Court's Order (ECF No. 17), on August 22, 2022, Defendant Mazda Motor of America, Inc. d/b/a Mazda North American Operations (MNAO) filed a Notice of its Motion to Dismiss and to Eliminate Class Allegations (ECF No. 25), along with supporting materials (ECF Nos. 26, 27). In its Notice of Motion, MNAO identified Judge Oetken's procedures for civil *pro se* cases, which establish that a *pro se* party's opposition papers to such a motion are due within four (4) weeks after service of the moving papers—here, September 19, 2022.

On August 22, 2022, shortly after MNAO filed its moving papers, Plaintiff Bey filed a "Notice of Filing" referencing an "attached 'Letter for Review' as evidence pertinent to this court's proceedings . . . regarding opposition to all motions submitted by Defendants on this day of August 22, 2022." (ECF No. 28.) Nothing was attached to this filing, however, and the filed "Notice" does not contain any substantive opposition to MNAO's Motion or arguments. Plaintiff Bey has not filed anything since. Therefore, MNAO files this Notice of Non-Opposition to Its Motion to Dismiss and to Eliminate Class Allegations, to bring the procedural posture of this matter to the Court's attention and to request the Court grant the relief it determines to be appropriate and just.

Dated: September 29, 2022

Respectfully submitted,
NELSON MULLINS
RILEY & SCARBOROUGH LLP

By: /s/ Alan F. Kaufman

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